

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

v.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

: CIVIL ACTION
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: NO. 04-CV-325 (ERIE)
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: Judge Sean J. McLaughlin
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**PLAINTIFF'S MOTION *IN LIMINE* TO PRECLUDE DEFENDANT'S EXPERT
TESTIMONY THAT THE KEYSTONE® DETAILED DESIGNS ARE IN THE PUBLIC
DOMAIN**

NOW COMES Plaintiff, Indeck Keystone Energy, LLC. ("IKE"), by and through its counsel, Schnader Harrison Segal & Lewis, LLP, and hereby submits this Motion *in Limine* to preclude Defendant's expert testimony that the Keystone® detailed designs are in the public domain. The basis for said Motion is set forth in detail in the Memorandum of Law in support of said Motion which is being submitted contemporaneously herewith. In addition, as further support for said Motion, IKE attaches hereto Exhibits "A" (6/4/01 Letter from John Viskup, Jr. with attachments) and "B" (List of VEO Documents that are to be excluded).

WHEREFORE, Plaintiff, Indeck Keystone Energy LLC asks the Court to preclude any testimony from Paul Miller that IKE's trade secrets are in the public domain and to exclude the exhibits set forth on Exhibit "B".

Respectfully submitted,

/s/ John K. Gisleson

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Dated: April 27, 2007

Attorneys for Plaintiff and Counterclaim Defendant

LOCAL RULE 16.1.4(D) CERTIFICATION

Pursuant to Local Rule 16.1.4(D), I hereby certify that counsel for Plaintiff, Indeck Keystone Energy, LLC made a good faith effort to confer with opposing counsel in an effort to reach agreement on the issues raised in the foregoing motion *in limine*, but opposing counsel was unwilling to agree to the issues raised in the motion.

/s/ John K. Gisleson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Plaintiff's Motion in *Limine* to Preclude Defendant's Expert Testimony That The Keystone® Detailed Designs Are In the Public Domain** was served upon the following counsel of record by the CM/ECF electronic filing system on the 27th day of April, 2007:

Christopher T. Sheean, Esquire
Matthew Garrett, Esquire
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/s/ John K. Gisleson